



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 54] नई विलासी, शुक्रवार, विसम्बर 15, 1978/अग्रहायण 24, 1900

NO. 54] NEW DELHI, FRIDAY, DECEMBER 15, 1978/AGRAHAYANA 24, 1900

इस भाग में विभिन्न पृष्ठ संख्या वी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 15th December, 1978:—

■

BILL NO. XVII OF 1978

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion
of new
article
16A.

“16A. Every citizen above eighteen years of age shall have the right to employment and in the event of his failure to procure any employment, he shall be entitled to an unemployment allowance to be paid by the State at such rate as may be prescribed by the Government concerned from time to time by public notification.”

Right to
employ-
ment and
unemploy-
ment
allowance.

STATEMENT OF OBJECTS AND REASONS

Socialism, among other things, means full employment. The ideal of socialism can be realised only when there is full employment which can be possible only when the State guarantees jobs to all able-bodied persons. In the event of failure on the part of the State to do so, a citizen should have the right to seek redress through a court of law.

The Bill thus seeks to guarantee the right to employment and make it justiciable.

SHIVA CHANDRA JHA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that an unemployment allowance shall be paid to every eligible citizen in the event of his failure to secure an employment. This provision, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. The rough estimate of the expenditure in respect of citizens living in the Union territories is approximately Rs. 70 crores. The expenditure likely to be incurred by the State Governments on this account cannot be estimated at this stage. There will be no need for any non-recurring expenditure.

II

BILL No. XVI of 1978

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1978. Short title.
2. In the Eighth Schedule to the Constitution,—
 - (a) entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively, and Amend-
ment of
Eighth
Schedule
 - (b) before entry "10" as so re-numbered, the entry "9 Nepali" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Nepali is daughter language of Sanskrit. The Nepali script is definitely Indian, as there is no difference between the Nagari Script used for modern Hindi and the script used for modern Nepali. Nepali and many other Indian languages have very close affinity. Nepali language can immensely contribute to the purpose for which the Eighth Schedule to the Constitution has been set-forth.

There are millions of Nepali-speaking people in India. Nepali is one of the major languages spoken in the Indian sub-continent and it is also one of the dominant languages of the lower Himalayan and sub-Himalayan regions having a long and common cultural heritage. As a matter of fact, Nepali is a kind of *lingua franca* used widely throughout the Himalayan area.

It is, therefore, in the fitness of things that this language be added to the Eighth Schedule of the Constitution so that the linguistic minorities of India having Nepali as their mother tongue may feel a greater sense of equality within the framework of a truly federal Constitution.

Hence this Bill.

ANANDA PATHAK.

III

BILL NO. XX OF 1978

A Bill to provide for the planning and the freedom of the Press.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Press (Planning and Freedom) Act, 1978. Short title and extent.
- (2) It extends to the whole of India.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "Party Press" means a press run by a political party recognised by the Central Government or a State Government;
 - (b) "Planned Press" means a Press run by the Press Board;
 - (c) "Press" means the daily, weekly, bi-weekly, tri-weekly, fortnightly, monthly, half-yearly and other periodicals which are published generally at a fixed time in a year;
 - (d) "Press Board" means the Press Board established under sub-section (1) of section 4.
3. There shall be the following two kinds of the Press in the Country:— Kinds of Press.
 - (a) Planned Press; and
 - (b) Party Press.
4. (1) There shall be established under this Act a Press Board to manage and run the Press which shall function under the control of the Planning Commission. Establishment and constitution of the Press Board.
- (2) The Press Board shall consist of as many members as there are States and Union territories in the country, one member representing each State or Union territory to be nominated by the Government of the respective State or Union territory from amongst reputed economists and journalists.

(3) The Chairman of the Press Board shall also be a reputed economist and journalist to be nominated by the Central Government and shall be called the Director-General of the Press.

Taking over of Private Press.

5. The Press Board shall take over without any compensation Private Press in India which has a circulation of 10,000 copies or above:

Provided that nothing contained in this section shall apply to the Party Press even when it reaches the circulation of 10,000 copies or above.

Finances for the Planned Press.

6. **The Planned Press shall be financed by the Central Government.**

Functions of the Planned Press.

7. The Planned Press shall—

(a) concentrate on the plans and projects of the Central Government, State Governments and the Administrations of the Union territories;

(b) present the national and inter-national news in a non-partisan way;

(c) allot more space for the letters to the Editor's column, articles and book reviews by the public in general.

Subsidies for running the Party Press.

8. (1) **The Central Government shall grant annual subsidies to each recognized political party for running the Party Press.**

(2) **A subsidy of rupees five lakh per year shall be given to each political party recognised by the Central Government and a subsidy of rupees one lakh per year to each political party recognised by a State Government.**

(3) The subsidy shall be utilised by the Party Press solely for the purpose of running the Press.

(4) The Party Press shall be run entirely at the discretion of the concerned political party, and it shall be free to be guided by the ideologies and programmes of the party.

Constitution of Planned Press News Service.

Powers to make rules.

9. **There shall be constituted a News Service called the Planned Press News Service under the Press Board or the dissemination of national and international news.**

10. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may, among other matters, provide for the following matters, namely:—

(a) the matters with respect to which the Planning Commission shall exercise control over the Press Board under sub-section (1) of section 4;

(b) the manner in which the Chairman and members of the Board shall be nominated under sub-section (2) and (3) of section 4;

(c) any other matter in respect of which provision may be made by the rules.

STATEMENT OF OBJECTS AND REASONS

The freedom of the Press is the bulwark of liberty. With the growth of industrialization, the Press has become more an enterprise and a business than an ideal free Press. The freedom of the Press is suppressed by the owners of the Press of larger circulation who, in the very nature of capitalism in the advanced stage, are in league with other monopolists of the economy in one form or the other. The Press Enquiry Commission Report and the Tenth Annual Report of the Registrar of Newspapers for India (April, 1966) have also corroborated that the concentration process is going on in the Indian Press. During the emergency the Press was gagged. Under the Janata Government, the Press Council has been re-constituted and another Press Enquiry Commission has been appointed to go into the working of the Indian Press. But socialism, which has been accepted by the people and our Parliament as the realizable goal of social betterment, demands freedom of the Press in that noble sense of the term.

For the realization of the freedom of the Press in that ideal sense of the term, it is felt that there is an unavoidable need for providing for a Planned Press and a Party Press by suitable legislation.

Hence this Bill.

SHIVA CHANDRA JHA.

FINANCIAL MEMORANDUM

The expenditure on the Planned Press, as also on the Press Board and the News Service would be met from the Central Budget. The amount of the expenditure shall be such as would be calculated by the Press Board from time to time. The expenditure on the Party Press would be met from the grant of a subsidy of five lakhs of rupees per Centrally recognised political party per year and one lakh of rupees per State-recognized political party per year from the Central Budget.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules, among other matters, for the matters with respect to which the Planning Commission shall exercise control over the Press Board and for the manner in which the Chairman and the members of the Press Board shall be nominated. The matters in respect of which rules may be made are matters of administrative and procedural nature which need not be provided in the Bill itself. The delegation of legislative power is, therefore, normal in character.

S. S. BHALERAO,
Secretary-General.